



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,540	06/18/2001	Matthew Breitenbach	ARA-0442	1409

7590 09/21/2005

Michael K. Jones
WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103

EXAMINER

JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
----------	--------------

2134

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/883,540	Applicant(s) BREITENBACH ET AL.	
	Examiner David Y. Jung	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/01, 7/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-60 are presented.

CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Failures (Top 10 Corporate IT Failures In the 1990's <http://www.computerworld.com/news/2002/story/0,11280,74620,00.htm>) and CIO (<http://www.cio.com/archive/101599/intro.html>).

Regarding claim 1, CIO teaches "An ...-based scheduling system that allows individual ... participants to schedule an ... and the provisions of at least two tasks associated with said ..., (the first paragraph, i.e. enterprise resource planning) comprising:

an ... scheduling interface that accepts data from an individual ... participant relating to said ... (the second paragraph, i.e. order entry); and

an ...-based scheduling system responsive to data from said ... scheduling interface, said data relating to at least two tasks associated with said ..., said ...-based scheduling system scheduling the provisions of said at least two tasks at the request of said ... participant and linking each of said at least two tasks to said ... within said ...-based scheduling system, whereby said scheduling of said provisions of said ... and said at least two tasks are performed by said individual ... participant at a computing platform without the intervention of a centralized ... planner (the third paragraph, i.e. finance managers and warehouse managers; the sixth paragraph, i.e. software integration involving CIO)."

These passages of CIO do not teach "event" in the sense of the claim.

Failures teaches "event" (Project 1, confirm reservation that are used in events i.e. hotel lodging and car transportation) for the motivation of having easier integration of events by companies that do business regarding events (such as hotel and rental car companies.) As may be guessed (even if not completely and explicitly noted) from the other failed projects of the 1990's, most of the biggest and most publicized failures involved the failures of integrations of ERP and logistics software (see also failure of Trips of Greyhound Lines). These failures occurred because the art clearly suggested and taught such combination of ERP and logistics software (such as event software). The biggest failures also occurred biggest successes also happened at the same period – leading to the questioning of the competence of the implementers and thereby leading to the lawsuits mentioned in this Failures reference.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of CIO and Failures for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2 (component handling.), such particular features are well known in the art for the purposes of easier programming and of easier handling information across computers.

Regarding claims 3-35, such particular features are well known in the art for the purposes of handling information across computers and of automating event systems.

Regarding claim 36, CIO teaches "A method of scheduling an ... and ancillary tasks associated with said ... using an ...-based scheduling system (the first paragraph, i.e. enterprise resource planning),

the method comprising the steps of:

prompting an ... participant to input ... data relating to the time and place of an ...; storing said inputted ... data in a database in connection with said ... (the second paragraph, i.e. order entry);

scheduling the time and place of said ... based on said ... data inputted by said ... participant; prompting said ... participant to input task data relating to at least two tasks required to support said ...; storing said task data in said database and linking said task data to said ...; and scheduling each of said at least two tasks using said task data input by said ... participant (the third paragraph, i.e. finance managers and warehouse managers; the sixth paragraph, i.e. software integration involving CIO)."

These passages of CIO do not teach "event" in the sense of the claim.

Failures teaches "event" (Project 1, confirm reservation that are used in events i.e. hotel lodging and car transportation) for the motivation of having easier integration of events by companies that do business regarding events (such as hotel and rental car companies.) As may be guessed (even if not completely and explicitly noted) from the other failed projects of the 1990's, most of the biggest and most publicized failures involved the failures of integrations of ERP and logistics software (see also failure of Trips of Greyhound Lines). These failures occurred because the art clearly suggested and taught such combination of ERP and logistics software (such as event software). The biggest failures also occurred biggest successes also happened at the same period – leading to the questioning of the competence of the implementers and thereby leading to the lawsuits mentioned in this Failures reference.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of CIO and Failures for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claims 37-60, such particular features are well known in the art for the purposes of handling information across computers and of automating event systems.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(703) 746-5606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Greg Morse whose telephone number is (571) 272-3838.

Application/Control Number: 09/883,540

Page 7

Art Unit: 2134

David Jung

Patent Examiner

9/11/05

A handwritten signature in black ink, consisting of a large loop followed by a series of connected, wavy horizontal strokes.